IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5903 OF 2005

1. Sanjay Rajendra Mahato,
2. Abhay Rajendra Mahato,
3. Jitendra Sahadeo Mahato,
4. Vinay Rajendra Mahato ...Applicants

Vs.

The State of Mahrashtra ...Respondent

WITH
CRIMINAL APPLICATION NO.5904 OF 2005

1. Chabiraj Patiram Yadav,
2. Santosh Raja Yadav,
3. Gullu @ Jelu Tribhuvanntha Mishra,
4. Dhupat @ Phinsu Shambihari Singh ...Applicants

Vs.

The State of Maharashtra ...Respondent

Shri. K.S.Patil with V.S. Kapase and Nikhil Rajeshirke for the Applicants in both the Applications.
Ms Rajeshree Gadhvi, A.P.P. for the Respondent in both the Applications.

CORAM : A.S.OKA, J.
DATED : SEPTEMBER 19, 2005.

P.C.:

1. Heard the Advocate appearing for the Applicants and the learned A.P.P. for the State. The Advocate appearing for the Applicants in both the matters submitted that no offence is made out under section 307 of the Indian Penal Code against the Applicants. He has invited my attention to the F.I.R. lodged by one Sandesh. The learned A.P.P. has placed on record material which is collected during the course of investigation and has opposed the Application.

2. I have considered the submissions. Even in the F.I.R., there is no allegation against the

Applicant Nos.1,3 and 4 in the Criminal Application NO.5903 of 2005 as regards assault on any particular person by using any particular weapon. The allegation against the Applicant No.2 is that he assaulted in the uncle of the first informant by a wooden log on his back. The injury certificate of the uncle of the first informant shows that he has sustained only a simple injury on the back.

3. The allegation against the Applicant No.1 in Criminal Application No.5904 of 2005 is that he assaulted the first informant by a stick. The injury certificate shows that there is one simple injury sustained by the first informant.

4. The allegation against the Applicant No.4 in Criminal Application No.5904 of 2005 is that he assaulted the father of the first informant by a wooden log on his head. The injury certificate of the injured shows that he sustained a fracture on temporal parietal region of the skull bone. The medical certificate shows injury to the vital part like brain. Hence, no case is made for enlarging the Applicant No.4 in Criminal Application No.5904 of 2005 on bail at this stage as the chargesheet is not yet filed.

5. So far as the Applicant Nos.2 and 3 in Criminal Application No.5904 of 2005 are concerned,

there is no specific allegation of committing assault on any particular person by using any weapon. There are no criminal antecedents brought on record. Hence, I pass the following order:

: O R D E R :

CRIMINAL APPLICATION NO.5903 OF 2005

i) The Applicants shall be enlarged on bail in connection with C.R. No.I 198 of 2005 registered with Nallasopara Police Station, District Thane, subject to furnishing a personal bond of Rs.10,000/- each with one or two sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicants will report to the concerned Police Station on every Saturday between 04.00 p.m. to 07.00 p.m. till the filing of the chargesheet.

iii) The Bail is granted subject to condition that the Applicants shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) The Applicants shall co-operate with the learned Trial Judge for expeditious disposal of the

trial. Any attempt by the Applicants to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in the above terms.

vii) The parties to act upon an authenticated copy of this order.

CRIMINAL APPLICATION NO.5904 OF 2005

i) Application of the Applicant No.4 Dhupat @ Phinsu Shambihari Singh is rejected.

ii) The Applicant Nos.1 Chabiraj Patiram Yadav, Applicant No.2 Santosh Raja Yadav and Applicant No.3 Gullu @ Jelu Tribhuvanntha Mishra shall be enlarged on bail in connection with C.R. No. I 198 of 2005 registered with Nallasopara Police Station , District Thane, subject to furnishing a personal bond of Rs.10,000/- each with one or two sureties in the like amount.

iii) The Bail is granted subject to condition that

the Applicant Nos.1 to 3 will report to the concerned Police Station on every Saturday between 04.00 p.m. to 07.00 p.m. till the filing of the chargesheet.

iv) The Bail is granted subject to condition that the Applicant Nos.1 to 3 shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

v) The Applicant Nos.1 to 3 shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the said Applicants to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in the above terms.

viii) The parties to act upon an authenticated copy of this order.

JUDGE